

CASE

NUMBER:

99-494

HISTORY INDEX FOR CASE: 1999-494UAC
TRITEL FINANCE, INC.

Construct

CELL SITE - 810 US HIGHWAY 151 - FRANKFORT

IN THE MATTER OF THE APPLICATION OF CROWN COMMUNICATION
INC., NPCR, INC., TRITEL COMMUNICATIONS, INC. AND TRITEL
FINANCE, INCE. FOR ISSUANCE OF A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY TO CONSTRUCT A WIRELESS
COMMUNICATIONS FACILITY AT 810 U.S. HIGHWAY 151 FRANKFORT,
KY 40601

IN THE WIRELESS COMMUNICATIONS LICENSE AREA
IN THE COMMONWEALTH OF KENTUCKY
IN THE COUNTY OF FRANKLIN

SEQ NBR	ENTRY DATE	REMARKS
0001	12/22/1999	Application.
0002	01/04/2000	Acknowledgement letter.
M0001	01/05/2000	DAVID PIKE/CROWN COMMUNICATION-NOTICE THAT THE APPLICANTS INTEND TO CONSTRUCT
0003	01/06/2000	Ltr. to David Pike granting a temporary tower.
0004	01/12/2000	No deficiency letter to parties of record for TRITEL FINANCE, INC.
M0002	01/24/2000	CROWN COMMUNICATIONS DAVID PIKE-NOTICE OF FIRST AMENDMENT OF APPLICATION
M0003	02/22/2000	CROWN COMMUNICATIONS DAVID PIKE-MOTION TO SUBMIT FOR EXPIDITED DECISION WITHOUT PUBLIC HEAR
0005	03/17/2000	Final Order granting a Certificate to construct a wireless telecom. facility.
M0004	05/04/2000	DAVID PIKE CROWN COMMUNICATIONS-FAA & KENTUCKY AIRPORT ZONING COMMISSION APPROVALS



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
211 SOWER BOULEVARD
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

CERTIFICATE OF SERVICE

RE: Case No. 1999-494 UAC
TRITEL FINANCE, INC.

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on March 17, 2000.

See attached parties of record.

Stephanie J. Bell
Secretary of the Commission

SB/hv
Enclosure

Lloyd McCarthy
Crown Communication Inc.
Commonwealth Business Center
11001 Bluegrass Parkway, Suite 330
Louisville, KY. 40299

Honorable David A. Pike
Attorney for Crown Communication
Pike Legal Group
200 South Buckman Street
P. O. Box 369
Shepherdsville , KY. 40165 0369

Honorable W. Brent Rice
Attorney for NPCR, Inc.
McBrayer, McGinnis,
Leslie & Kirkland
163 West Short Street
Lexington, KY. 40507 1361

Honorable Mark W. Dobbins
& Honorable Sandra F. Keene
Attorneys for Tritel
Tilford, Dobbins, Alexander
Buckaway & Black
One Riverfront Plaza, Suite 1400
Louisville, KY. 40202

Donald J. Manning
Vice President and General Counsel
NPCR, Inc.
dba Nextel Partners
4500 Carillon Point
Kirkland, WA. 98033

David Burak
Tritel Communications, Inc.
& Tritel Finance, Inc.
1512 Crums Lane
Louisville, KY. 40216

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION)
INC., NPCR, INC., TRITEL COMMUNICATIONS,)
INC. AND TRITEL FINANCE, INC. FOR ISSUANCE)
OF A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO CONSTRUCT A WIRELESS)
COMMUNICATIONS FACILITY AT 810 U.S.)
HIGHWAY 151, FRANKFORT, KY 40601 IN THE)
WIRELESS COMMUNICATIONS LICENSE AREA IN)
THE COMMONWEALTH OF KENTUCKY IN THE)
COUNTY OF FRANKLIN)
SITE NAME: GRAEFENBURG)
SITE NUMBER 800622)

CASE NO.
99-494-UAC

O R D E R

On December 22, 1999, Crown Communication Inc. ("Crown"), NPCR, Inc., Tritel Communications and Tritel Finance (collectively, the "Applicants") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. Crown has requested authorization to construct a cell site in Franklin County and Tritel has provided evidence that the public convenience and necessity will be served by the proposed construction.

The proposed facility is to be located at 810 U.S. Highway 151, Frankfort, Franklin County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 08' 50.9" by West Longitude 84° 58' 46.9".¹

¹ The Applicants amended the application on January 24, 2000 and moved the location of the proposed facility approximately 25 feet north and 19 feet west of the original proposed location.

The Applicants have provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and a Licensed Professional Engineer has certified the plans.

Pursuant to KRS 100.987(2), Crown has submitted the uniform application to the Franklin County Planning and Zoning Commission for the proposed construction and, as no response has been filed with the Commission, pursuant to KRS 100.987(4)(c), the application is deemed to have been approved. The Applicants have filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. Both decisions are pending.

The Applicants have filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. To date, no public comments have been filed with the Commission.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, Crown should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the

Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by Crown.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicants have demonstrated that a facility is necessary to provide adequate utility service and therefore should be granted a Certificate of Public Convenience and Necessity to construct the proposed facility.

IT IS THEREFORE ORDERED that:

1. Crown is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The facility is to be located at 810 U.S. Highway 151, Frankfort, Franklin County, Kentucky. The coordinates for the facility are North Latitude 38° 08' 50.9" by West Longitude 84° 58' 46.9".

2. The Applicants shall file a copy of the final decisions regarding their pending FAA and KAZC applications for the proposed construction within 10 days of receiving these decisions.

3. Crown shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 17th day of March, 2000.

By the Commission

ATTEST:


Executive Director



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

January 12, 2000

To: All parties of record

RE: Case No. 1999-494 UAC
TRITEL FINANCE, INC.

The Commission staff has reviewed your application in the above case and finds that it meets the minimum filing requirements. Enclosed please find a stamped filed copy of the first page of your filing. This case has been docketed and will be processed as expeditiously as possible.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

SB/sh
Enclosure

Lloyd McCarthy
Crown Communication Inc.
Commonwealth Business Center
11001 Bluegrass Parkway, Suite 330
Louisville, KY. 40299

Honorable David A. Pike
Attorney for Crown Communication
Pike Legal Group
200 South Buckman Street
P. O. Box 369
Shepherdsville , KY. 40165 0369

Honorable W. Brent Rice
Attorney for NPCR, Inc.
McBrayer, McGinnis,
Leslie & Kirkland
163 West Short Street
Lexington, KY. 40507 1361

Honorable Mark W. Dobbins
& Honorable Sandra F. Keene
Attorneys for Tritel
Tilford, Dobbins, Alexander
Buckaway & Black
One Riverfront Plaza, Suite 1400
Louisville, KY. 40202

Donald J. Manning
Vice President and General Counsel
NPCR, Inc.
dba Nextel Partners
4500 Carillon Point
Kirkland, WA. 98033

David Burak
Tritel Communications, Inc.
& Tritel Finance, Inc.
1512 Crums Lane
Louisville, KY. 40216

FOR THE PUBLIC RECORD

RECEIVED

DEC 22 1999

PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

FILED

DEC 22 1999

PUBLIC SERVICE
COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION INC.,)
NPCR, INC., TRITEL COMMUNICATIONS, INC. AND)
TRITEL FINANCE, INC.)
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO CONSTRUCT)
A WIRELESS COMMUNICATIONS FACILITY AT)
810 U.S. HIGHWAY 151 FRANKFORT, KY 40601)
IN THE WIRELESS COMMUNICATIONS LICENSE AREA)
IN THE COMMONWEALTH OF KENTUCKY)
IN THE COUNTY OF FRANKLIN)

CASE NO.:99-494 UAC

SITE NAME: GRAEFENBURG
B.U. NUMBER: 800622

Crown Communication Inc., as ultimate owner, NPCR, Inc., Tritel Communications, Inc. and Tritel Finance, Inc., as licensed public utilities in the Commonwealth of Kentucky, make this application.

The property on which the Wireless Communications Facility ("WCF") will be built is located at 810 U.S. Highway 151, Frankfort, Kentucky 40601. The WCF site is geographically positioned at 38° 08' 50.86" North latitude, 84° 58' 46.94" West longitude.



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KENTUCKY 40602
www.psc.state.ky.us
(502) 564-3940
Fax (502) 564-1582

Ronald B. McCloud, Secretary
Public Protection and
Regulation Cabinet

Helen C. Helton
Executive Director
Public Service Commission

Paul E. Patton
Governor

January 6, 2000

Mr. David A. Pike
Attorney at Law
Pike Legal Group
P. O. Box 369
Shepherdsville, KY 40165-0369

99-494-UAC

RE: Tritel Communication, Inc. Notice of Placement of a Temporary Facility

Dear Mr. Pike:

The Commission is in receipt of the attached letter informing the Commission Staff of its intent to place a temporary facility. It is the opinion of the Commission staff that placement of the facilities as described is an extension in the ordinary course of business pursuant to KRS 278.020(1) and therefore a Certificate of Public Convenience and Necessity is not required.

Please be advised that this opinion does not relieve the utility from compliance with local requirements for placement of the facility.

If you have any questions regarding this matter, please feel free to contact me.

Sincerely,

Wayne Bates, Manager
Communications Branch
Division of Engineering

Attachment





COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

January 12, 2000

To: All parties of record

RE: Case No. 1999-494 UAC
TRITEL FINANCE, INC.
(Construct) CELL SITE - 810 US HIGHWAY 151 - FRANKFORT

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received December 22, 1999 and has been assigned Case No. 1999-494. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

A handwritten signature in black ink that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

SB/sh

Lloyd McCarthy
Crown Communication Inc.
Commonwealth Business Center
11001 Bluegrass Parkway, Suite 330
Louisville, KY. 40299

Honorable David A. Pike
Attorney for Crown Communication
Pike Legal Group
200 South Buckman Street
P. O. Box 369
Shepherdsville , KY. 40165 0369

Honorable W. Brent Rice
Attorney for NPCR, Inc.
McBrayer, McGinnis,
Leslie & Kirkland
163 West Short Street
Lexington, KY. 40507 1361

Honorable Mark W. Dobbins
& Honorable Sandra F. Keene
Attorneys for Tritel
Tilford, Dobbins, Alexander
Buckaway & Black
One Riverfront Plaza, Suite 1400
Louisville, KY. 40202

Donald J. Manning
Vice President and General Counsel
NPCR, Inc.
dba Nextel Partners
4500 Carillon Point
Kirkland, WA. 98033

David Burak
Tritel Communications, Inc.
& Tritel Finance, Inc.
1512 Crums Lane
Louisville, KY. 40216

FOR THE PUBLIC RECORD

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

RECEIVED

DEC 22 1999

PUBLIC SERVICE
COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION INC.,)
NPCR, INC., TRITEL COMMUNICATIONS, INC. AND)
TRITEL FINANCE, INC.)
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO CONSTRUCT)
A WIRELESS COMMUNICATIONS FACILITY AT)
810 U.S. HIGHWAY 151 FRANKFORT, KY 40601)
IN THE WIRELESS COMMUNICATIONS LICENSE AREA)
IN THE COMMONWEALTH OF KENTUCKY)
IN THE COUNTY OF FRANKLIN)

CASE NO.:99-494 UAC

FILED

DEC 22 1999

PUBLIC SERVICE
COMMISSION

SITE NAME: GRAEFENBURG
B.U. NUMBER: 800622

Crown Communication Inc., as ultimate owner, NPCR, Inc., Tritel Communications, Inc. and Tritel Finance, Inc., as licensed public utilities in the Commonwealth of Kentucky, make this application.

The property on which the Wireless Communications Facility ("WCF") will be built is located at 810 U.S. Highway 151, Frankfort, Kentucky 40601. The WCF site is geographically positioned at 38° 08' 50.86" North latitude, 84° 58' 46.94" West longitude.